

**RI STATE BOARD OF ELECTIONS**  
**MINUTES OF MEETING**  
**NOVEMBER 16, 2004**

The Rhode Island State Board of Elections reconvened at 3:00 p. m. to commence the Board's agenda. A quorum included Chair Roger Begin, Vice Chair Thomas Iannitti, Commissioners Judith Bailey, John Daluz, Florence Johnson, Frank Rego and Raymond Xavier. Acting Executive Director George Bowen, III and Counselor Raymond Marcaccio were in attendance, also.

**First Order of Business:** The Board certified mail ballots for the November 16, 2005 Tiverton Special Election.

**Next Order of Business:** At approximately 3:05 p.m. and pursuant to R.I.G.L. 42-46-5(a)(4), the Board voted to meet in executive session to discuss the status of a criminal investigation of former Executive Director, Robert Fontaine. Commissioners Bailey and Xavier made and seconded the motion, respectively. The motion carried without opposition.

At 3:15 p.m., Vice Chair Iannitti made a motion to accept the information presented to the Board, to close the executive session, to seal the minutes of the (executive) session and to go back into open session. The motion, seconded by Commissioner Daluz, carried unanimously.

**In open session and before leaving the “Fontaine” matter, Chair Begin offered his thoughts on Mr. Fontaine’s many positive years of public service from his position of Woonsocket City Councilman to BOE Executive Director. Mr. Fontaine demonstrated leadership qualities and dedication and strove for excellence in his work. He earned the respect of the Board and his colleagues, nationally, with a re-write of Rhode Island campaign finance laws and the state’s implementation of HAVA and NVRA. In closing, Chair Begin remarked that he was not sure what happened (to Fontaine).**

**Next Order of Business: Chair Begin presented the next item on the agenda; that is, a possible vote of no confidence in the Chairman of the Board of Elections. With this, Commissioners Xavier and Johnson made and seconded a motion, respectively, to issue a vote of no confidence in Chairman Roger Begin stating that his ability to lead the board and agency forward was no longer possible.**

**Before voting on the motion, several of the Members offered comment:**

**- Vice Chair Iannitti remarked that because of the dedication of the (BOE) staff, Rhode Island was able to carry out a successful election. The Members are proud of the work and engagement of the Board. However, the Vice Chair stated that Commissioner Xavier has raised the issue of no confidence in the Chairman of the Board and that he, too, has no confidence (in the Chair);**

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**- Commissioner Bailey offered that the Board's action of taking a vote is unnecessary, unwarranted and possibly divisive and that some (Members) are just looking for someone to blame. She offered that some may even have a hidden agenda. Furthermore, she stated that Mr. Fontaine gave it his all and that if the accusations are true, she feels betrayed. Furthermore, she wants no part of a Board that bickers and would like to move forward by hiring a new Executive Director who will assist the Members in doing the business that they were appointed to do. In closing, Commissioner Bailey thanked the dedicated BOE staff members for a good**

**election; and**

**- Upon listening to Commissioner Bailey's statement, Vice Chair Iannitti read a 2½-page letter aloud detailing his impression of the Chair's "foot-dragging" on matters surrounding the possibility of fraud and misappropriation of funds by the ex-Executive Director. Vice Chair Iannitti outlined his concerns about things that have transpired in the past with regard to (questionable) purchases made by Mr. Fontaine. He stated that the Board has/is habitually kept in the dark with Board-related matters.**

Upon taking comments from Vice Chair Iannitti and Commissioner Bailey and anyone else who wished to speak, the Board acted on the proposed no-confidence vote. Chair Begin commenced the voting with a vote of “No”, whereupon when asked for a ruling by several Members, Counselor Marcaccio ruled that the Chair could not vote on the matter. The Chair respectfully disagreed with Mr. Marcaccio’s ruling, however, the ruling was sustained. The result of the Board’s vote was 4-2 with Vice Chair Iannitti and Commissioners Xavier, Johnson and Rego in favor; Commissioners Bailey and Daluz against. (Note: Commissioner Bailey left the meeting shortly after voting.)

**Next Order Of Business:** The Board discussed briefly the duties and responsibilities of the Chairman of the Board of Elections and Commissioners. Several Members remarked that there is a lack of communication between the Chair and Commissioners and that this is a problem that needs to be addressed. The Board agreed to think about the rolls and duties of the Members and to discuss them at a future meeting.

**Next Order Of Business:** The Board discussed briefly the appointment of a new Executive Director and procedures for the screening and selection process. Several Members offered comments:

- Vice Chair Iannitti suggested that the Board begin the search process in January and to delay hiring a new Director until possibly February in an effort to save budget monies;

- Commissioner Rego expressed some concern over waiting until February. He would like someone in place as soon as practicable;

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- Commissioner Johnson suggested that the Board hold work sessions prior to January; and
- all the Members agreed that they need to talk further on the matter.

**Next Order Of Business: Chair Begin called for the Acting Executive Director's Report.**

**Mr. Bowen's report was a quick overview of budgetary matters: one or two line items, budget hearing dates and agency staff positions/salaries. The Board agreed to talk more about the budget at a later date.**

**At 3:55 p.m. and with no further matters for discussion, Chair Begin asked that a motion be made to adjourn for the day and to reconvene on November 18, 2004 at 10:00 a.m. to conduct hearings on matters regarding the November 2, 2004 general election. Commissioners Daluz and Rego made and seconded the motion, respectively. The motion carried without opposition.**

**ATTEST:**

**Frances A. Keating, Coordinator, Special Projects**